

LINK:

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.	CV 15-01726 BRO (PJWx)	Date	March 16, 2015
Title	JAMES EASHOO V. IOVATE HEALTH SCIENCES U.S.A., INC.		

Present: The Honorable	BEVERLY REID O'CONNELL, United States District Judge	
Renee A. Fisher	Not Present	N/A
Deputy Clerk	Court Reporter	Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:
Not Present		Not Present

Proceedings: (IN CHAMBERS)

ORDER TO SHOW CAUSE RE: SUBJECT MATTER JURISDICTION

A federal court must determine its own jurisdiction even if there is no objection. *Rains v. Criterion Sys., Inc.*, 80 F.3d 339, 342 (9th Cir. 1996). Because federal courts are of limited jurisdiction, they possess original jurisdiction only as authorized by the Constitution and federal statute. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Original jurisdiction may be established pursuant to 28 U.S.C. § 1332(d)(2). Under this subsection, a federal district court has jurisdiction over a civil class action in which the class has minimum diversity and more than 100 members and in which the amount in controversy exceeds \$5,000,000. 28 U.S.C. § 1332(d)(2). Although jurisdiction under § 1332(d)(2) requires only minimal diversity, a plaintiff invoking jurisdiction under the subsection must still show that at least one member of the proposed class “is a citizen of a State different from any defendant.” 28 U.S.C. § 1332(d)(2)(A). A corporation is deemed a citizen of any state in which it is incorporated and the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1).

The Complaint filed in this case does not adequately allege the citizenship of Defendant Iovate Health Sciences, U.S.A., Inc., as it does not include any allegation regarding Defendant’s principal place of business. The Court therefore **ORDERS** Plaintiff to show cause why this case should not be dismissed for lack of subject matter jurisdiction. **Plaintiff must respond to this Order by March 20, 2015, at 4:00 p.m.**

IT IS SO ORDERED.

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Initials of Preparer

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